

2
C
CHATTANOOGA NEWS - FREE PRESS (TN)
9 May 1986

Three Mistakes

It's an old Washington game for certain people in sensitive places to "leak" secrets to the press for a variety of purposes, such as promoting something they are interested in or undermining opposition. That's wrong but not uncommon. Stopping such leaks is almost impossible, although the leaker sometimes may be identified, embarrassed or even fired.

Then there's a second kind of mistake. While it is not inappropriate to use some kinds of information that may come through leaks, it may be bad judgment and irresponsible for newspapers, television, radio or magazines to publish national security material that falls into their hands. There may be a greater national interest than rushing to publish.

The third kind of mistake in these situations has been indicated in reports that some want to prosecute publications that have been involved in the first two kinds of mistakes.

The issue has surfaced because representatives of major news organizations have said that CIA Director William Casey apparently accused *The Washington Post*, *Newsweek* magazine, *The Washington Times*, *The New York Times* and *Time* magazine of violating a 1950 statute in recent coverage of U.S. investigations into Libyan terrorist attacks.

X The complaints are not very specific but seem to be centered on reports about U.S. interception of radio messages between Libya and its mission in East Germany. That was a big part of the evidence that proved Libyan involvement in the terrorist bombing

of a Berlin disco, prompting President Ronald Reagan to send U.S. Air Force and Navy planes on punitive missions against Libya.

Mr. Casey was reported to have told *The Washington Post* that he had discussed with Deputy Attorney General D. Lowell Jensen the possibility of criminal prosecution under the law that prohibits "knowingly and willfully" disclosing classified information about codes or "communication intelligence activities of the United States or any foreign government." *The Washington Post* quoted Mr. Casey as saying, "We've already got five absolute cold violations."

Most important, it seems to us, would be identifying the governmental source of the leaks that reportedly put the questioned information in the hands of the news organizations. He is the main culprit. Something ought to be done about him.

There is little likelihood that prosecution of the news organizations could get very far in the face of the First Amendment of the Bill of Rights of the Constitution, that protects the freedom of the press. But sometimes news organizations do violate responsibility and good judgment even though they may have legal protection in doing so.

Governmental threats to prosecute newspapers and magazines for what they print, even if they have shown irresponsibility, are rarely helpful.

It is best to avoid all three kinds of mistakes involved in this case; the leaking, the publication of supposedly secret information and the threats that followed.